

Message Text

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ACTION EB-03

INFO OCT-01 ARA-06 ISO-00 L-01 SS-14 INR-05 SSO-00 INRE-00

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC 5284

C O N F I D E N T I A L LIMA 4294

STADIS - LIMDIS////////////////////

FOR EB/TT AV-STYLES

EO 11652: GDS

TAGS: EAIR, PE

SUBJECT: CIVAIR - DISPUTE WITH PERU - FOREIGN MINISTER

DISCUSSES PROBLEM WITH AMBASSADOR

REF: LIMA 3809, STATE 106073

1. SUMMARY: FOREIGN MINISTER RAISED CIVAIR PROBLEM WITH AMBASSADOR ON MAY 22. HE APPEARED TO BE RECEPTIVE TO THOUGHT THAT ONE WAY TO RESOLVE IMPASSE MIGHT BE THROUGH RESUMPTION OF GOVERNMENT NEGOTIATIONS. STATE 121309 JUST RECEIVED. CONVERSATION WITH FOREIGN MINISTER APPEARS TO PAVE WAY FOR DELIVERY OF NOTE ANNOUNCING REIMPOSITION OF RESTRICTIONS, WHICH AMBASSADOR PLANS TO DO MAY 27. END SUMMARY

2. FOREIGN MINISTER CALLED AMBASSAOR TO MINISTRY MAY 22 OSTENSIBLY FOR TOUR'D'HORIZON (REPORTED SEPTTEL) FOLLOWING HIS TRIP TO WASHINGTON TO ATTEND OAS MEETING. HOWEVER, MINISTER SAID MOST IMPORTANT THING ON HIS MIND WAS CIVIL AIR PROBLEM; WHERE DID MATTER STAND AT THE MOMENT? HE SAID THAT LAST TIME HE AND AMBASSADOR HAD DISCUSSED SUBJECT (LIMA 3624), AMBASSADOR HAD MADE SOME POINTS BUT HE COULD NOT RECALL DETAILS. AMBASSADOR REMINED HIM THAT DISCUSSION HAD CENTERED ON BRANIFF
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REPLY TO AEROPERU'S LAST LETTER, WHICH AMBASSADOR HAD

SAID HE WOULD RECOMMEND. HOWEVER, BRANIFF HAD CONCLUDED THAT THERE WAS NO FLEXIBILITY IN AEROPERU'S POSITION AND NO RESPONSE TO ITS LAST OFFER AND HAD THEREFORE REGRETFULLY DECIDED THAT THERE WAS NOTHING TO BE GAINED BY FURTHER TALKS WITH AEROPERU (HERE AMBASSADOR REVIEWED GULMAN'S FLAT REJECTION OF THREE KEY POINTS ESSENTIAL FOR BRANIFF - PARAGRAPH 8 OF LIMA 3318). DEPARTMENT OF STATE, BASED ON RECORD OF NEGOTIATIONS, APPEARED TO BE OF SAME MIND. UNFORTUNATELY, PROSPECT NOW SEEMED TO BE FOR REINSTITUTION OF MEASURES LEADING TO IMPOSITION OF RESTRICTIONS ON AEROPERU, ALTHOUGH THERE REMAINED TIME FOR GOVERNMENT-TO-GOVERNMENT NEGOTIATIONS.

3. MINISTER EXPRESSED DISAPPOINTMENT, SAYING HE THOUGHT THERE SHOULD HAVE BEEN A REPLY. HE SAID HE DID NOT HAVE OPPORTUNITY TO RAISE CIVIL AIR ISSUE WITH SECRETARY KISSINGER, ALTHOUGH HE HAD WANTED TO DO SO. ALSO, HE HAD TRIED TO TALK TO BRANIFF PRINCIPALS BY TELEPHONE, BUT THEY FAILED TO RETURN HIS CALL. MINISTER THEN LAUNCHED INTO ARGUMENT THAT BRANIFF IS RESPONSIBLE FOR FAILURE OF TALKS. AMBASSADOR RESPONDED THAT IT IS QUITE CLEAR TO BRANIFF FROM WHAT GULMAN HAD SAID AT LAST AIRLINE MEETING THAT THERE IS NO FUTURE IN FURTHER TALKS WITH AEROPERU. HOWEVER, IMPORTANT THING IS NOT ASSESSMENT OF BLAME BUT WHERE WE GO FROM HERE TO AVOID CONFRONTATION.

4. MINISTER RESPONDED THAT HE DID NOT KNOW EXACTLY WHAT TO DO. AMBASSADOR MENTIONED THAT 213 ORDER WOULD BE ACCOMPANIED BY OFFER ON U.S. PART TO RESUME GOVERNMENT-LEVEL NEGOTIATIONS. HOWEVER, THERE APPEARED NOTHING TO PREVENT THE TWO GOVERNMENTS FROM ANTICIPATING SUCH A RECOMMENDATION AND STARTING TALKS NOW. IF THE ORDER WERE ISSUED WHILE THE TALKS WERE GOING ON, THIS WOULD NOT HINDER THEIR CONTINUATION. MINISTER SAID THIS THOUGHT WAS INTERESTING, BUT THAT HE WOULD HAVE TO CONFER WITH AIR MINISTER GILARDI; HAD THE AMBASSADOR SPOKEN RECENTLY WITH GILARDI? AMBASSADOR REPLIED THAT HE SPOKE BRIEFLY WITH GILARDI THE WEEK BEFORE BUT THAT LATTER, WHILE STATING THAT GOP STILL DESIROUS OF SETTLING PROBLEM WITHOUT CONFRONTATION, HAD NO SUGGESTIONS TO OFFER.

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4. MINISTER THEN DISGREESSED TO CAUTION AMBASSADOR THAT HE SHOULD NOT COMPLETELY ACCEPT BRANIFF ACCOUNT OF NEGOTIATIONS; THERE HAD BEEN FLEXIBILITY ON AEROPERU SIDE. AMBASSADOR REMINDED DE LA FLOR THAT EMBASSY REPRESENTATIVE, IN WHOSE REPORTS HE HAD FULL CONFIDENCE, WAS PRESENT AT ALL MEETINGS. AMBASSADOR CONTINUED TO REMIND MINISTER THAT THIS WAS WHY HE HAD SENT HIM PERIODIC

REPORTS; IF THERE WERE DISCREPANCIES IN ACCOUNTS OF MEETINGS, THESE COULD BE IDENTIFIED AND RECONCILED. DE LA FLOR THEN ASKED WHERE WAS HIS COPY OF THE AMBASSADOR'S COMMUNICATION OF APRIL 30? DGTA BERCKEMEYER HAD SHOWN HIM A COPY BUT HE HAD NOT SEEN ONE. AMBASSADOR REMINED HIM THAT ALL HAD BEEN SENT DIRECTLY TO HIM WITH COPIES TO OTHER INTERESTED PARTIES.

5. COMMENT: WE DO NOT KNOW WHAT MOTIVATED DE LA FLOR TO TAKE THE INITIATIVE IN RAISING THE CIVAIR PROBLEM AGAIN WHEN ALL OTHER INDICATIONS WE HAVE HAD ARE THAT GOP IS QUITE CONTENT TO LET MATTERS RIDE IN THE APPARENT BELIEF THAT 213 ACTION WILL NOT HAPPEN, AND IF IT DOES THEY CAN CONTEST IT THROUGH LITIGATION OR, AT WORST, LIVE WITH IT. IT MAY BE THAT DE LA FLOR'S WASHINGTON VISIT HAS CAUSED HIM TO SENSE THAT ALL IS NOT WELL IN U.S./ PERUVIAN RELATIONS AND TO PONDER OUTSTANDING ISSUES, AMONG WHICH CIVAIR IS PROMINENT. ALSO, AS DESIGNATED COORDINATOR OF MOST RECENT GOP/AEROPERU EFFORT TO NEGOTIATE WITH BRANIFF, HE MAY FEAR RECRIMINATIONS THAT CAN BE EXPECTED TO RESULT FROM IMPOSITION OF 213 ORDER. CONCERN WITH CONSEQUENCES IS BEGINNING TO BE MORE EVIDENT IN A NUMBER OF QUARTERS: THOSE INTERESTED IN SELLING AIRCRAFT TO AEROPERU (AND LOCAL INTERMEDIARIES) ARE WORRIED; AEROPERU ITSELF IS NAMING MANAGERS AND OPENING OFFICES IN THE U.S. AND IS OBVIOUSLY PLANNING ON U.S. ROUTES; AND BUSINESS COMMUNITY (BOTH U.S. AND PERUVIAN) IS ALREADY INCONVENIENCED BY INADEQUATE SERVICE AND IS VERY CONCERNED AT FURTHER DISRUPTION WHICH WILL OCCUR IF CONFRONTATION TAKES PLACE. HERHAPS SOME OF THIS IS MAKING AN IMPRESSION ON DE LA FLOR. THUS, WHILE WE CANNOT SAY THAT THERE MAY NOW BE MORE GIVE IN PERUVIAN POSITON, IT DOES APPEAR THAT THEY ARE

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BEGINNING TO LOOK TO THE FUTURE WITH SOMEWHAT MORE CONCERN, AND MAY BE RECEPTIVE TO SUGGESTION THAT GOVERNMENTAL NEGOTIATIONS BE RESUMED.

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